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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23,534A	1510

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
SAJOUS, WESNER

ART UNIT	PAPER NUMBER
2676	13

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,082	Applicant(s) CAVALLERANO ET AL.	
	Examiner Wesner Sajous	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,21-24,26 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5-7,11,12,14-18,21 and 23* is/are allowed.

6)☒ Claim(s) *1-4,8-10,13-15,22,24,26 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

REMARKS

This communication is responsive to the response date July 7, 2003. Claims 1-18, 21-24, and 26-27 are presented for examination.

Response to Arguments

1. In response to the Applicant's argument, at pages 14-17 of the response, contending that the program information signal PFI do not constitute an identified event that is in the program that is identified by receiving user input, the Examiner respectfully disagrees. The program information signal PFI that is detected in Berger is indicated to be contained in information signals I for a television signal. Thus, since the program information is contained in a television signal, as suggested in Berger's col. 8, lines 49-61, it is constituted as part of the television program and it is an event (e.g., a teletext information). In addition, since it is clearly stated in Berger's col. 8, lines 18-27 that keyboard 31 can be used for the selection of the television signal, it is apparent that the event information (e.g., teletext information signal) suggested in Berger is identified by the user using the remote control. Hence, Applicant's argument is not deemed persuasive.

The Applicant should duly note that since there is no specific definition in the claim as to what the "event in the program" is, such can be interpreted as any

information associated with a program being outputted. In this case, Berger presents an OSD (5) with text information (e.g., soccer, opera, magnum, etc...) on a viewing screen (4). See fig. 1 and col. 8, lines 14-18. In addition, he suggests that the received signal F contains program information contains title information [containing a given keyword] about a future television program (see abstract). In this event, the text information and/or the television program title can be construed as the event in viewing program 4, because they are associated with the program information being detected by the detecting stage 32-34. Therefore, the rejections are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 8-10, 13, 22, 24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Berger (6473128).

Considering claim 1, Berger discloses a device (12, fig. 1) for receiving a video and/or audio signal (*e.g., a television signal and information signal, see abstract or television program information, see col. 8, lines 50-51*) comprises an input (*14/15 or 17/15, see col. 7, lines 10-20 or col. 8, lines 18-26*) that receives the video and/or audio signal; and a user interface (15 or 16, see col. 7, lines 10-12) that receives a user input (via keyboard 31) identifying an event to be detected (e.g., teletext information TI or program information FPI of signal I); a detector (33 or 34) that analyzes the incoming video and/or audio signal (e.g., a television signal and information signal, *see abstract and col. 8, lines 50-51*) of at least one program (e.g., information signals F which contain programs, see col. 6, lines 8-25) to detect the identified event; and a selector (36 of fig. 1) for automatically, upon detection of the identified event, providing to a display (*4 of fig. 1, see col. 5, line 66 to col. 6, line 5*) the program containing the event. See abstract.

Re claim 2, Berger discloses the equivalence of a PIP device (e.g., item *3 of fig. 1, note that the television set 3 can characterizes a PIP device since it forms an on-screen-display 5, see col. 5, line 65 to col. 6, line 5)* that automatically displays in a PIP (5 of fig. 1) the program having the detected event.

Re claim 4, Berger, at fig. 1, discloses a text recognition device (12) that scans the video information for text, and the user interface (15 and 16) includes a device (17), which enables the user to enter as the event (via keyboard 31) to be detected specific text. See col. 26, lines 21-25.

Method claim 8 recites features substantially the same as device claim 1. It is, therefore, similarly rejected.

Re claim 9, Berger, at fig. 1, teaches the equivalence for providing to a PIP display (5) the program containing the event (*the television signals containing the program, see abstract*).

Claim 10 is rejected for reason similar to claim 4.

Claim 13 is a computer-executable process included on a computer-readable medium performing the method of claim 8 or 1, it is rejected for the same reason and rationale set forth for claim 8 or claim 1.

As per claim 22, it is noted that the invention of the claim contain limitations that are analogous to the limitations recited in claim 1. Claim 22 is therefore, rejected under the same reason and rationale of claim 1.

The invention of claim 24, including the processor and memory (*9, see fig. 1, item 9, and col. 6, line 53 to col. 7, line 1*), although slightly different it recites features equivalent to claim 13, it is rejected under the same rationale as claim 13.

Apparatus claim 27 recites features that substantially performing the same method as device claim 24, it is similarly rejected, for the detected event can be outputted as text.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 14-15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger in view of Wang (5832181).

Considering claim 3, Berger renders obvious most claimed features of the invention as applied for the claim 1 rejection above; except for the claimed—user input of audio data and the speech-recognition device analyzing the audio signal.

However, Wang discloses the input of audio data (see fig. 1, item 1) and the speech-recognition device analyzing the audio signal (see figs. 1-2, item 3). See col. 2, line 63 to col. 3, line 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berger to include the features of Wang; in order to provide a speech-recognition system that identifies utterances of human speech. See Wang col. 2, lines 64-66.

The invention of claim 14 recites features equivalent to and performing the same functions as claim 3, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 3.

Re claim 15, Berger, at fig. 1, discloses a text recognition device (12) that scans the video information for text, and the user interface (15 and 16) includes a device (17),

which enables the user to enter as the event (via keyboard 31) to be detected specific text. See col. 26, lines 21-25.

The invention of claim 26, although slightly different it recites features equivalent to claim 14 and, it is rejected under the same reason and rationale as claim 14.

Allowable Subject Matter

6. Claims 5-7, 11-12, 14-18, 21, 23 are allowed because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT coefficient patterns, and a delay step to delay the program having detected text so that display of the program captures the text.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to :

Box
Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:
(703) 872-9314, (**for Technology Center 2600 only**)

0r:
(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on alternate Fridays.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

9/16/2003

MATTHEW C. BELLA
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